STATE OFFICE HID U.S. ROLE IN DEATH

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Records Link Drug Cover-Up In '55 to Assistant Attorney General Under Javits

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WASHINGTON, Sept. 11 — The New York State Attorney General's office agreed to cover up the Federal Government's involvement in a death in an Army-sponsored drug experiment in Manhattan after the Federal Government agreed to pay half of an $18,000 settlement to the widow, previously secret documents reveal.

The check for $9,000 was sent to New York from the Department of Justice on June 9, 1955, while Jacob K. Javits was the state Attorney General. He had been in office less than six months, and most of the negotiations had taken place in 1953 and 1954 during the tenure of Attorney General Nathaniel L. Goldstein, according to David Marcus, the Assistant Attorney General who handled the case.

Both Mr. Javits and Mr. Goldstein, who is now in private law practice in Manhattan, said today that they had "no recollection" of the case.

Mr. Marcus, who is now in private law practice in Westchester County, said he thought Mr. Javits "probably would have been aware of the final administrative transfer of funds, but I don't think he would be aware of much more than this."

Says Goldstein Knew

But he said that Mr. Goldstein was "fully aware of what I was doing."

Mr. Marcus said in a telephone interview that he had "several discussions" with Mr. Goldstein in 1953 about the case, in which Harold Blauer, [illegible] professional tennis player, was given a fatal dose of a mescaline derivative, supplied by the Army, in January, 1953. Mr. Marcus added that Mr. Goldstein "war aware of the case, he knew about it."

"I was an Assistant Attorney General," he said. "My function was to make recommendations to my boss, and he would make decisions based on my recommendations. I was not authorized to make any decisions."

None of the documents that were obtained from the Army by Senator Edward M. Kennedy, Democrat of Massachusetts, and entered into the record yesterday as he began Senate subcommittee hearings on drug experiments conducted by the military and the Central Intelligence Agency, included Mr. Goldstein's name.

But several letters on the matter were addressed to Mr. Javits, and other letters, including one that detailed the agreement, were signed as follows: "very truly yours, Jacob K. Javits, Attorney General, by David Marcus, Assistant Attorney General," and bore Mr. Marcus's signature.

Argument Rebutted

The Army argued that national security was at stake in the experiment at the New York State Psychiatric Institute. However, lawyers in the civil division of the Justice Department said in a memorandum dated July 12, 1954, that "security is involved to some extent, but more importantly our purpose is to avoid unfavorable or damaging publicity."

In a letter to the office of the United States Attorney General dated March 28, 1955, Mr. Marcus recalled "a number of conferences" held in Washington "primarily for the purpose of discussing possible settlement of the above entitled claims (Blauer V. State of New York) and also for the purpose of determining the extent to which the state of New York might go in revealing the activities of the Federal Government in producing and supplying the mescaline derivative that was used in the treatment of Harold Blauer."